

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 04-30172-MAP

4 ROBERT DADE,
5 Plaintiff,6 vs.
7 BOLAND BUILDERS, INC., THOMAS
M. BOLAND, STUART JONES AND
MARY ROSE JONES,
8 Defendants.9 DEPOSITION OF: MARY ROSE JONES, called by
10 counsel for the Plaintiff, taken pursuant to the
Federal Rules of Civil Procedure before Leigh B.
Gershowitz, Certified Shorthand Reporter, Registered
Merit Reporter, Certified Realtime Reporter and
Notary Public, at the Offices of O'Connell, Flaherty
& Attmore, 1350 Main Street, Springfield,
Massachusetts, on Friday, October 21, 2005,
commencing at 10:15 a.m.14 APPEARANCES:

15 See Page 2

21 Leigh B. Gershowitz, CSR, RMR, CRR
22 Certified Shorthand Reporter
23 Registered Merit Reporter
Certified Realtime Reporter

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2 WITNESS: DIRECT CROSS REDIRECT RECROSS

3 MARY ROSE JONES

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16 Also in Attendance:

17 Shawn, Liberty Mutual Insurance Company
Stewart Jones

2

4

1 STIPULATIONS

2
3 It is agreed by and between the parties that
4 all objections, except as to the form of the
5 question, are reserved to be raised at the time of
6 trial for the first time.7
8 It is further agreed by and between the
9 parties that all motions to strike unresponsive
10 answers are also reserved to be raised at the time of
11 trial for the first time.12
13 It is also agreed that the deponent will
14 read and sign the deposition.15
16 It is further agreed by and between the
17 parties that notification to all parties of the
18 receipt of the original deposition transcript is also
19 hereby waived.

20

21

22

23

1 A. No.
 2 Q. Okay. So to the best of your knowledge,
 3 they don't have any personal information about the
 4 events?

5 A. No.
 6 Q. When did you first decide to put a new
 7 roof on the house, if you can recall?

8 A. June, 1995.

9 Q. What is it about that that makes it clear
 10 in your memory?

11 A. Well, when we bought the house, it needed
 12 a new roof.

13 Q. Okay. And when did you decide this is
 14 time to do it?

15 A. I'm trying to think how to answer this.

16 It was just a matter of when we had enough money to
 17 do it.

18 Q. Now, according to the lawsuit, the
 19 accident happened on or about September the 7th,
 20 2001. Is that consistent with your recollection?

21 A. Yes.

22 Q. Do you remember what day of the week that
 23 was?

1 A. Yes.
 2 Q. And what is your professional occupation?
 3 A. I'm a consultant for a management
 4 consulting firm.
 5 Q. And do you -- I ask do you work outside of
 6 the home, do you have a home office or do you
 7 work --
 8 A. I have a home office. I live in
 9 a virtual -- I work in a virtual office environment
 10 and I travel probably four or five days a week,
 11 three-quarters of the year.
 12 Q. But the home base is 169?
 13 A. Yes.
 14 Q. How did you decide to have Boland do the
 15 general construction that was being done at the
 16 house?
 17 A. I had a very good friend, who has since
 18 passed away, but she had remodeled a couple of houses
 19 and I had asked her for someone who was good and
 20 reliable.
 21 Q. About when was it that you started
 22 investigating and coming up with Boland as --
 23 A. About 18 months before we started.

10
 1 A. I have no idea.
 2 Q. With September 7, 2001 as the day of the
 3 accident, when is the first time -- strike that.
 4 When did you -- how is it that Dade did the
 5 roofing?
 6 A. In June of 1995, we bought the house. We
 7 knew it needed a new roof. We knew we were going to
 8 add on. For several years we planned that, thought
 9 about it, figured out what it would look like. And
 10 there is a green roof exactly like the one I have on
 11 a bed and breakfast in Connecticut. We used to drive
 12 by it. Eventually, a couple years later, we stopped
 13 by, talked to the owners, found out who did their
 14 roof and then we called them probably two years
 15 before we ever contacted our contractor because that
 16 was the roof I wanted.

17 Q. Do you recall who it was at Dade that you
 18 spoke with when you were first investigating the
 19 roof?

20 A. No. I gave the name and number of that
 21 firm to Tom Boland when we hired Boland to do our
 22 construction. We said, "This is the roof we want."

23 Q. By the way, do you work outside the home?

12
 1 Q. And generally what work was Boland to do?
 2 I don't need the specifics, but generally what were
 3 they to do?
 4 A. He was our contractor, so he was
 5 responsible for getting it done.
 6 Q. Okay. But what renovations or remodeling
 7 was being done?
 8 A. We added an addition -- we actually did
 9 two additions at the same time, one on the back of
 10 the house and one on the side of the house. And he
 11 reroofed our barn and our house at the same time. So
 12 he was responsible for all of that. And we put in a
 13 new septic system.
 14 Q. Now, during that period of time, you were
 15 generally on the road four days a week?
 16 A. Yes.
 17 Q. Do you recall when Boland began the work?
 18 A. I don't recall the exact date or time.
 19 Q. Do you recall roughly how long before the
 20 accident Boland began the work?
 21 A. Well, I don't recall the exact months or
 22 dates. At the stage he was in, he had to have begun
 23 a lot sooner to get to the roof part.

1 to get done, which is one of the reasons why they
 2 were talking about the order of events because they
 3 were trying to measure how much time they had to get
 4 certain things prepped. And I honestly don't
 5 remember if the tarpaper had been put up at that time
 6 when they were walking through or if it was put up
 7 after that.

8 Q. What was up there to prevent rain from
 9 getting in?

10 A. That's what I'm saying. Initially there
 11 was nothing up there. And then Tom put up tarpaper.
 12 But I don't remember the sequence of events. I don't
 13 remember if the roofers came and then he put it up or
 14 if they were still in the prep of getting the main
 15 house ready for the roofing. The barn had already
 16 been done.

17 Q. At any time after the skylight opened cut,
 18 but before Mr. Boland's accident, was there anything
 19 like plywood, roofing, sheeting, put up over the
 20 holes?

21 A. I wouldn't know that. I just remember
 22 they were opened. We had rain. Tom put up tarpaper
 23 to cover the openings. And they had to lay down the

1 That's when they were finishing -- that day was -- I
 2 don't know if it was the last day they were doing the
 3 roof, but I think they had, like, three days to do
 4 the roof and then the middle of the house.

5 Q. Did you see Robert Dade at any time that
 6 you remember specifically before the accident?

7 A. No.

8 Q. So the first time that you knew that he
 9 individually was at your house, as opposed to
 10 generally Dade Roofing, was after the accident
 11 happened?

12 A. Yes.

13 Q. Well, how did you learn that the accident
 14 had occurred?

15 A. I heard it.

16 Q. Okay. Where were you when you heard it?

17 A. I was in the old dining room working.

18 Q. This is your home office area?

19 A. Yes.

20 Q. And how far away is that from where the
 21 accident happened, where Mr. Dade landed?

22 A. I don't know for sure, but I know the
 23 dimensions of the rooms very well. So let me think

22

24

1 tarpaper -- in order to put the roof in and set the
 2 windows, you have to have the tarpaper on, so I don't
 3 know the order of those events.

4 Q. Do you recall any other occasions where
 5 you were in an area where the roofers were discussing
 6 anything at all?

7 A. Other than the day of the actual accident,
 8 the only time -- the only time that I was present was
 9 when they were doing their walk-through.

10 Q. Okay. Now, between the walk-through and
 11 the date of the accident, do you recall how long a
 12 time period passed?

13 A. I don't recall how long. But it was a
 14 matter of days.

15 Q. The day of the accident, certainly Robert
 16 Boland was at your house?

17 A. Robert Dade.

18 Q. Robert Dade. I'm sorry.

19 Who else that you recall was there?

20 A. I don't -- I honestly don't recall.

21 Stewart and I were both home. I don't remember who
 22 else was there. The only activity going on at the
 23 house that I recall was the barn was being roofed.

1 about this. Probably about 12, 13 feet.

2 Q. Okay. And what exactly alerted you to the
 3 fact that the --

4 A. The sound.

5 Q. And what sound was that?

6 A. I heard a scream and I heard a bang.

7 Q. And when you heard the scream and bang,
 8 what did you do?

9 A. I got up from my chair and went into the
 10 kitchen -- ran into the kitchen.

11 Q. And what did you see?

12 A. I saw Robert Dade -- I didn't know it was
 13 Robert Dade at the time -- laying on the floor. And
 14 it appeared that he had fallen through one of the
 15 skylights.

16 Q. Did you look up at the skylight?

17 A. No. I was focused on him.

18 Q. Did you at any time look up and see that
 19 the skylight was -- the tarpaper was torn open or
 20 anything like that?

21 A. Yes.

22 Q. When did you first do that?

23 A. I don't know.

1 Q. When you saw Robert Dade on the floor of
 2 the kitchen, did you recognize him at all as having
 3 been in the group of people who had done the
 4 walk-through --

5 A. Yes.

6 Q. -- earlier?

7 A. Yes.

8 Q. After the accident and after you got to
 9 Mr. Dade, what did you say to him, what did he say to
 10 you?

11 A. I don't remember specifically what he
 12 said. I know I tried to help him get up. He didn't
 13 want to be touched. Stew had rushed up as well. And
 14 I don't even remember which one of us called 911.
 15 One of us did. He just didn't want to be touched. I
 16 offered to help, but it appeared that he was in a lot
 17 of pain and was afraid to be touched. So we just
 18 tried to calm him down.

19 Q. How long did it take for EMTs, ambulance
 20 to arrive?

21 A. It seemed like moments. We live very
 22 close to town. So it wasn't very long at all.

23 Q. As best you can tell me -- and you may

1 have already told me everything you can recall -- but
 2 tell me everything you can recall from the time --
 3 that was said either to Mr. Dade or by Mr. Dade from
 4 the time you got there, after hearing the scream and
 5 the crash, until he was taken away by the ambulance?

6 A. Well, Stewart and I were trying to help
 7 him and comfort him. It wasn't -- we weren't very
 8 good at it and he wasn't real receptive. And he was
 9 trying -- I remember he was trying to maintain
 10 composure.

11 When the EMT people got there, he didn't
 12 want -- he was afraid of being touched. And it
 13 was -- there was a lot of contention at the time
 14 between them and him. And sitting here now, I don't
 15 even remember what happened after that. I don't
 16 remember if they finally got him to go to the
 17 hospital or if he drove himself. Now I can't
 18 remember. I think they finally got him to cooperate.
 19 I think that he was just in a lot of pain.

20 But, you know, I honestly don't remember.
 21 It was a long time ago and it was a very intense day.

22 Q. Right. After Mr. Dade was taken in the
 23 ambulance to the hospital, did you ever see him after

1 that?

2 A. No.

3 Q. So you've never spoken to him since then,
 4 to your knowledge?

5 A. There were one or two phone calls
 6 exchanged between their company -- I don't remember
 7 if I personally did it or Stew called them. We were
 8 very concerned of how he was doing. So I don't
 9 remember if they called us or we called them.
 10 Something. But maybe within a few days of that
 11 making sure he was okay.

12 Q. And those discussions concerned his
 13 health?

14 A. Yes.

15 Q. And did they concern in any way -- was
 16 there any discussion at all about how the accident
 17 happened?

18 A. No.

19 Q. After the accident, did you talk to Tom
 20 Boland about how the accident happened?

21 A. Not about how the accident happened, but I
 22 called Tom and actually talked to his -- actually
 23 talked to his wife. And then she had Tom call me.